



# STATE OF NEW YORK DEPARTMENT OF HEALTH

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Albany, New York 12237

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**TO: All New York State Pharmacies**

**FROM: James Giglio, Director, Bureau of Narcotic Enforcement**

**DATE: April 30, 2006**

**SUBJECT: Official Prescription Program Update**

The new Public Health Law requiring that all prescriptions written in New York be issued on an official New York State prescription form became fully effective on April 19, 2006. New regulations—Part 80 for controlled substances and Part 910 for non-controlled substances—are now also in effect. A summary of important information for pharmacists regarding the new law and regulations is as follows:

- Pharmacists may dispense prescriptions for non-controlled substances not written on official prescriptions until October 19, 2006; however, pharmacists must report the name of the prescribing practitioner each time on a form provided by the Department of Health. The form may be obtained by calling the Official Prescription Program toll free at (866) 811-7957.
- Practitioners in hospitals and their affiliated clinics, and practitioners in designated non-profit diagnostic and treatment centers, are exempt from the requirement to prescribe non-controlled substances on official prescriptions until April 19, 2007. **Pharmacists are not required to report the names of practitioners utilizing the prescriptions of such facilities to the Department of Health.**
- It is important to note that the above prescribing exemptions do not apply to prescriptions for controlled substances. **All written prescriptions for controlled substances must be written on an official New York State prescription.**
- Adhesive stickers and labels, if limited to patient information, are valid for use on official prescriptions for non-controlled substances. Stickers and labels containing patient or drug information are not valid for use on prescriptions for controlled substances.
- All single-part official New York State prescriptions, including official prescriptions that were issued previous to the new law, are valid for prescribing and dispensing.
- The new law and regulations made no changes to requirements for oral prescribing. Oral prescriptions for non-controlled substances do not require an official prescription follow-up.
- Pharmacists may continue to accept refill authorizations faxed from practitioners for prescriptions for non-controlled substances. An official prescription is not required for refill authorizations that renew existing prescriptions for non-controlled substance medications.

- The new law and regulations made no changes to requirements for electronic prescribing (the transmission of a prescription from a practitioner's computer directly to a pharmacy's fax machine or computer). Pharmacists may continue to accept and dispense electronic prescriptions for non-controlled substances under parameters established by the Board of Pharmacy (518-474-3817, ext. 130). An official prescription is not required to be used when a practitioner transmits an electronic prescription to a pharmacy. **It is important to note that electronic prescriptions for controlled substances are not yet permissible.**
- Pharmacists may continue to accept and dispense non-controlled substance prescriptions transmitted electronically from a practitioner's computer to a pharmacy's fax machine. Such electronic prescriptions do **not** require the use of an official prescription. However, an official prescription **is** required to be used when a practitioner transmits a prescription from his or her fax machine to the pharmacy's fax machine.
- Practitioners are required to indicate the number of refills and the quantity of drug prescribed in **both** numeric and written word form on prescriptions for controlled substances. However, for the benefit of the patient, controlled substance prescriptions that indicate the quantity and number of refills in either form remain valid for dispensing. The pharmacist dispensing the prescription is **not** required to contact the practitioner or notify the Bureau of Narcotic Enforcement. The pharmacist also is not required to add such information to the prescription.
- Pharmacies must verify the identity of a person picking up a prescription for a controlled substance by requiring the person, if unknown to the pharmacy, to present appropriate identification.
- Pharmacists may dispense non-official prescriptions—for both controlled and non-controlled substances—that are issued by out-of-state practitioners if the prescriptions contain all information required by New York State law. When transmitting prescription information to the Department of Health from out-of-state prescriptions for controlled substances, pharmacists should enter the letter '**Z**' eight times in the prescription serial number field.
- Pharmacists may now accept and dispense oral prescriptions for hypodermic needles or syringes in a quantity of up to one hundred needles or syringes.
- Pharmacists may accept and dispense faxed prescriptions for up to a 30-day supply of a controlled substance for patients in hospice programs, Residential Healthcare Facilities, and for those prescriptions to be compounded for direct administration by infusion. The prescribing practitioner is required to send the original official prescription to the pharmacy within 72 hours. If the pharmacist does not receive the original official prescription, he/she must notify the Bureau of Narcotic Enforcement in writing within 7 days of dispensing the substance.

**Pharmacists having questions about the new law or regulations may contact the Official Prescription Program toll free at (866) 811-7957. Pharmacists are encouraged to view the new law and regulations online at [www.nyhealth.gov](http://www.nyhealth.gov)**